

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.: 10/597,862 Confirmation No.: 7260  
Applicant(s): Thomas J. Kenney  
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Examiner: Barry W. Taylor  
Title: SYSTEM AND METHOD FOR LIMITING MOBILE DEVICE  
FUNCTIONALITY

Docket No.: 042933/314689  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF UNDER 37 CFR § 41.37**

This Appeal Brief is filed pursuant to the Notice of Appeal filed January 18, 2011 and in response to the Notice of Panel Decision dated March 3, 2011 and the Final Office Action dated September 15, 2010.

1. ***Real Party in Interest.***

The real party in interest in this appeal is Nokia Corporation, which is the assignee of the above-referenced patent application.

2. ***Related Appeals and Interferences.***

There are no related appeals and/or interferences involving this application or its subject matter.

3. ***Status of Claims.***

Claims 1-9, 11-26, and 28-31 are pending. Claims 10 and 27 were previously canceled. Claims 1-3, 5-7, 9, 11-15, 17-20, 22-24, 26, and 28-31 are rejected under 35 U.S.C. § 103(a) as

being unpatentable over U.S. Pat. App. Pub. No. 2004/0137893 to Muthuswamy et al. ("Muthuswamy") in view of U.S. Pat. No. 6,782,251 to Kagay, Jr. ("Kagay"). Claims 4 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Muthuswamy in view of Kagay, and further in view of U.S. Pat. No. 7,103,657 to Adams ("Adams"). Claims 8, 21, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Muthuswamy in view of Kagay, and further in view of U.S. Pat. No. 5,734,978 to Hayatake et al. ("Hayatake"). Appellants appeal the rejections of Claims 1-9, 11-26, and 28-31.

4. ***Status of Amendments.***

There are no unentered amendments in this application.

5. ***Summary of Claimed Subject Matter.***

Embodiments of the invention provide methods and apparatuses for limiting mobile device functionality. More particularly, some example embodiments provide for disabling of a device, such as a lost or stolen device, by way of a remotely originated disabling signal. The disabling signal of some example embodiments may indicate a tracking function to be activated, which may be selected based on one or more of a time that has passed since the device was lost or stolen or a location in which the device was lost or stolen.

Independent Claim 1 recites an apparatus comprising at least one processor (e.g., the processing unit 1014 illustrated in FIG. 10) and at least one memory (e.g., the system memory 1016 and/or disk storage 1024 illustrated in FIG. 10) storing computer program code. The at least one memory and stored computer program code are configured, with the at least one processor, to cause the apparatus to at least receive a remotely originated request to disable the apparatus (e.g., operation 410 illustrated in FIG. 4; page 9, lines 11-19; page 11, lines 10-17). The at least one memory and stored computer program code are configured, with the at least one processor, to also cause the apparatus to extract information from the request (e.g., operation 420 illustrated in FIG. 4; page 11, lines 18-24). The at least one memory and stored computer program code are configured, with the at least one processor, to further cause the apparatus to disable at least one functionality of the apparatus based at least in part on the extracted information (e.g., operation 430 illustrated in FIG. 4; page 11, lines 25-32). In an instance in

which the extracted information indicates a tracking function is to be activated to facilitate locating the apparatus, the at least one memory and stored computer program code are configured, with the at least one processor, to additionally cause the apparatus to determine a tracking function to activate based at least in part on the extracted information and activate the determined tracking function (e.g., page 12, lines 15-31; originally filed Claims 10 and 11). The determined tracking function is selected based at least in part on one or more of a time that has passed since the apparatus was lost or stolen or a location in which the apparatus was lost or stolen (e.g., page 12, lines 15-31).

Independent Claim 15 recites a method comprising receiving a request (e.g., operation 610 illustrated in FIG. 610; page 13, lines 15-17) to disable at least one functionality of a mobile device (e.g., the mobile device 330 illustrated in FIG. 3, the mobile device 720 illustrated in FIG. 7, or the mobile device illustrated in FIG. 8). The method further comprises determining a tracking function to activate on the mobile device. The tracking function is selected based at least in part on one or more of a time that has passed since the mobile device was lost or stolen or a location in which the mobile device was lost or stolen (e.g., page 12, lines 15-31). The method additionally comprises causing a disable signal to be broadcast to the mobile device (e.g., operation 630 illustrated in FIG. 6; page 13, lines 24-30). The disable signal comprises information configured to cause the mobile device to disable at least one functionality and activate the determined tracking function responsive to the disable signal (e.g., page 13, lines 24-30).

Independent Claim 24 recites a method comprising receiving, at a mobile device (e.g., the mobile device 330 illustrated in FIG. 3, the mobile device 720 illustrated in FIG. 7, or the mobile device illustrated in FIG. 8), a disable signal from a remote location (e.g., operation 410 illustrated in FIG. 4; page 9, lines 11-19; page 11, lines 10-17). The method further comprises extracting information from the disable signal (e.g., operation 420 illustrated in FIG. 4; page 11, lines 18-24). The method additionally comprises disabling at least one functionality of the mobile device based at least in part on the extracted information (e.g., operation 430 illustrated in FIG. 4; page 11, lines 25-32). In an instance in which the extracted information indicates a tracking function is to be activated to facilitate locating the mobile device, the method also comprises determining a tracking function to activate based at least in part on the extracted

information and activating the determined tracking function (e.g., page 12, lines 15-31; originally filed Claims 10 and 11). The determined tracking function is selected based at least in part on one or more of a time that has passed since the apparatus was lost or stolen or a location in which the apparatus was lost or stolen (e.g., page 12, lines 15-31).

Independent Claim 28 recites an apparatus comprising at least one processor (e.g., the processing unit 1014 illustrated in FIG. 10) and at least one memory (e.g., the system memory 1016 and/or disk storage 1024 illustrated in FIG. 10) storing computer program code. The at least one memory and stored computer program code are configured, with the at least one processor, to cause the apparatus to at least receive a request (e.g., operation 610 illustrated in FIG. 610; page 13, lines 15-17) to disable at least one functionality of a mobile device (e.g., the mobile device 330 illustrated in FIG. 3, the mobile device 720 illustrated in FIG. 7, or the mobile device illustrated in FIG. 8). The at least one memory and stored computer program code are configured, with the at least one processor, to further cause the apparatus to determine a tracking function to activate on the mobile device. The tracking function is selected based at least in part on one or more of a time that has passed since the mobile device was lost or stolen or a location in which the mobile device was lost or stolen (e.g., page 12, lines 15-31). The at least one memory and stored computer program code are configured, with the at least one processor, to additionally cause the apparatus to cause a disable signal to be broadcast to the mobile device (e.g., operation 630 illustrated in FIG. 6; page 13, lines 24-30). The disable signal comprises information configured to cause the mobile device to disable at least one functionality and activate the determined tracking function responsive to the disable signal (e.g., page 13, lines 24-30).

6. ***Grounds of Rejection to be Reviewed on Appeal.***

The following grounds of rejection are appealed:

A. Claims 1-3, 5-7, 9, 11-15, 17-20, 22-24, 26, and 28-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2004/0137893 to Muthuswamy et al. ("Muthuswamy") in view of U.S. Pat. No. 6,782,251 to Kagay, Jr. ("Kagay").

B. Claims 4 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Muthuswamy in view of Kagay, and further in view of U.S. Pat. No. 7,103,657 to Adams (“Adams”).

C. Claims 8, 21, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Muthuswamy in view of Kagay, and further in view of U.S. Pat. No. 5,734,978 to Hayatake et al. (“Hayatake”).

7. ***Argument.***

The embodiments recited by independent claims 1, 15, 24, and 28 enable limiting functionality of a lost or stolen mobile device by way of a remotely originated disabling signal. Accordingly, a person finding a lost device or a person stealing a device may be prohibited from using some functionality of the device and/or from accessing information stored on the device. Further, the embodiments recited by independent claims 1, 15, 24, and 28 enable activation of a tracking function on the mobile device to facilitate locating the mobile device.

**A. Claims 1-3, 5-7, 9, 11-15, 17-20, 22-24, 26, and 28-31 are Patentable over Muthuswamy and Kagay**

**i. Independent Claims 1 and 24 are Patentable over Muthuswamy and Kagay**

Independent Claim 24 is directed to a method comprising receiving, at a mobile device, a disable signal from a remote location. The method further comprises extracting information from the disable signal. The method additionally comprises disabling at least one functionality of the mobile device based at least in part on the extracted information. The method also comprises, in an instance in which the extracted information indicates a tracking function is to be activated to facilitate locating the mobile device, determining a tracking function to activate based at least in part on the extracted information, the tracking function being selected based at least in part on one or more of a time that has passed since the apparatus was lost or stolen or a location in which the apparatus was lost or stolen; and activating the determined tracking function. Claim 1 is directed to an apparatus and, though it has its own respective scope, includes recitations substantially similar to Claim 24 insofar as this discussion is concerned.

The Examiner alleges that independent Claims 1 and 24 are unpatentable over the combination of Muthuswamy and Kagay. However, Appellants respectfully disagree and submit that the Examiner has clearly erred, as the combination of Muthuswamy and Kagay fails to teach or suggest each feature recited in Claims 1 and 24. In particular, the combination of Muthuswamy and Kagay at least fails to teach or suggest “determining a tracking function to activate based at least in part on the extracted information, the tracking function being selected based at least in part on one or more of a time that has passed since the apparatus was lost or stolen or a location in which the apparatus was lost or stolen.”

The Examiner admits that “Muthuswamy does not explicitly show...determine a tracking function to activate based at least in part on the extracted information, the tracking function being selected based at least in part on one or more of a time that has passed since the apparatus was lost or stolen or a location in which the apparatus was lost or stolen,” and instead relies on Kagay as teaching this feature. *See*, page 3 of the Office Action of September 15, 2010 (“the Office Action”). In particular, the Examiner posits:

Kagay teaches an apparatus and method of operating a lost mobile communication device (title, abstract). Kagay teaches using a security module to control security operations of the mobile device (col. 2 line 15 - col. 3 line 6). For example, when a user realizes the mobile device is lost, the user can remotely activate a suspend mode by sending the mobile device a lost communication device message such as SMS, a page, a telephone call, or any other communication useful for communicating that the mobile device has been lost. Kagay teaches (col. 3 line 35 - col. 4 line 16, col. 5 lines 38-52) the security module may also enable an alert sequence (i.e. tracking function) to assist in locating the mobile device if the owner is in a local area (i.e. or a location in which the apparatus was lost or stolen).

As an initial matter, it will be appreciated that the Examiner has failed to even meet the required burden of proof for establishing a *prima facie* rejection of Claims 1 and 24. In this regard, as illustrated by the above excerpt from the Office Action, the Examiner has failed to provide any claim construction of the features alleged to be disclosed by Kagay. More

particularly, the Examiner has failed to provide any construction which maps with particularity the cited portions of the disclosure of Kagay to particular claimed features. Appellants note that in order to make a fair review of the merits of a *prima facie* case of anticipation or obviousness, “[t]he Examiner must make specific findings as to claim construction.” *Ex parte* Beery, Appeal No. 2008-0543, Application No. 09/954,823 (BPAI Sep. 29, 2008) (emphasis added); *Ex parte* Blankenstein et al., Appeal No. 2007-2872, Application No. 10/116,312 (BPAI Aug. 26, 2008); and *see Gechter v. Davidson*, 116 F.3d 1454 (Fed. Cir. 1997); and MPEP §§ 706, 706.07. As such, the Examiner has failed to establish a *prima facie* rejection of Claims 1 and 24 and the rejection should be reversed at least for this failure.

In particular, it will be noted that the Examiner has not made any showing or allegation that alleges with particularity that Kagay teaches or suggests determining a tracking function to activate based at least in part on the extracted information, let alone selection of the tracking function based at least in part on one or more of a time that has passed since the apparatus was lost or stolen or a location in which the apparatus was lost or stolen. In this regard, it will be appreciated that as set forth in the above copied excerpt from the rejection, the Examiner has, at most, alleged that Kagay discloses “the security module may also enable an alert sequence (i.e. tracking function) to assist in locating the mobile device if the owner is in a local area (i.e. or a location in which the apparatus was lost or stolen). Even assuming *in arguendo* that Kagay discloses that which the Examiner alleges, which Appellants do not admit, this alleged disclosure does not teach or suggest determining a tracking function to activate based at least in part on the extracted information, let alone selection of the tracking function based at least in part on one or more of a time that has passed since the apparatus was lost or stolen or a location in which the apparatus was lost or stolen. Mere activation of an alert sequence does not teach or suggest determining a tracking function to activate, let alone selection of a tracking function (e.g., what kind of tracking function, such a homing beacon, audio alarm, GPS positioning, etc, to use) based at least in part on one or more of a time that has passed since the apparatus was lost or stolen or a location in which the apparatus was lost or stolen, as recited by Claims 1 and 24.

Moreover, the Examiner has clearly taken the disclosure of Kagay out of context. In this regard, the Examiner seems to imply that the disclosure of “to assist in locating a lost mobile communication device if the owner is in a local area” discloses selection of a tracking function

based at least in part on a location in which the apparatus was lost or stolen. However, clearly, when read in context as understood by a person having ordinary skill in the art, the disclosure merely states that an audible alert sequence may be initiated and this alert sequence may assist in locating a lost mobile communication device *if* the owner is in a local area (i.e., within proximity of the mobile communications device). In other words, if the owner is within hearing range, the audible alert may assist. However, there is no teaching or suggestion that the audible alert sequence is selected based on the owner's location, let alone based at least in part on one or more of a time that has passed since the apparatus was lost or stolen or a location in which the apparatus was lost or stolen, as recited in Claims 1 and 24.

In view of the foregoing remarks, it will be appreciated that Kagay, even when taken in combination with Muthuswamy, does not cure the admitted deficiencies of Muthuswamy. Accordingly, the combination of Muthuswamy and Kagay fails to teach or suggest each feature recited in Claims 1 and 24. Moreover, none of the other cited references, taken alone or in combination, cures the deficiencies of the combination of Muthuswamy and Kagay. Appellants therefore respectfully submit that Claims 1 and 24 are patentably distinct from the cited references, taken alone or in combination, such that the rejection of Claims 1 and 24 should be reversed. Appellants additionally submit that Claims 1 and 24 are in condition for allowance.

**ii. The Rejection of Claim 15 Should Be Reversed for Failure by the Examiner to Establish a *prima facie* Rejection**

The Examiner has failed to even establish a *prima facie* rejection of Claim 15. In this regard, the Examiner merely posits with respect to Claim 15, "[m]ethod claim 15 is rejected for the same reason as apparatus claim 1 since the recited apparatus would perform the claimed method." A reading of Claims 1 and 15 clearly demonstrates that Claim 15 recites features that are not recited in Claim 1 and, thus recites a method that may not necessarily be performed by the apparatus of Claim 1. For example, Claim 1 recites an apparatus that receives a remotely originated request to disable the apparatus. However, Claim 15 recites causing a disable signal to be broadcast to a mobile device (e.g., from one computing device to a mobile device to be disabled). In other words, while the method of Claim 15 may, in some embodiments, be used to generate and broadcast a request that may be received by the apparatus of Claim 1, it does not



follow that the apparatus of Claim 1 would perform the method claimed in Claim 15. As such, Claim 15 recites features which have not been addressed in the rejection of Claim 1.

Accordingly, the Examiner has failed to even allege with particularity that each feature recited in Claim 15 is taught or suggested by the cited references. It will thus be appreciated that the Examiner has failed to establish a *prima facie* case of anticipation or obviousness of Claim 15. This failure by the Examiner amounts to clear error and the rejection of Claim 15 should be reversed on grounds of this clear error.

**iii. Independent Claims 15 and 28 are Patentable over Muthuswamy and Kagay**

Independent Claim 15 is directed to a method comprising receiving a request to disable at least one functionality of a mobile device. The method further comprises determining a tracking function to activate on the mobile device. The tracking function is selected based at least in part on one or more of a time that has passed since the mobile device was lost or stolen or a location in which the mobile device was lost or stolen. The method additionally comprises causing a disable signal to be broadcast to the mobile device. The disable signal comprises information configured to cause the mobile device to disable at least one functionality and activate the determined tracking function responsive to the disable signal. Claim 28 is directed to an apparatus and, though it has its own respective scope, includes recitations substantially similar to Claim 15 insofar as this discussion is concerned.

The Examiner alleges that independent Claims 15 and 28 are unpatentable over the combination of Muthuswamy and Kagay. However, Appellants respectfully disagree and submit that the Examiner has clearly erred, as the combination of Muthuswamy and Kagay fails to teach or suggest each feature recited in Claims 15 and 28. In this regard, the combination of Muthuswamy and Kagay fails at least to teach or suggest the features of determining a tracking function to activate on the mobile device, the tracking function being selected based at least in part on one or more of a time that has passed since the mobile device was lost or stolen or a location in which the mobile device was lost or stolen, as recited in Claims 15 and 28 for at least those reasons discussed with respect to Claims 1 and 24. Moreover, none of the other cited references, whether taken alone or in combination, cures the clear deficiencies of the combination of Muthuswamy and Kagay. Appellants therefore respectfully submit that Claims

15 and 28 are patentably distinct from the cited references, taken alone or in combination, such that the rejection of Claims 15 and 28 should be reversed. Appellants additionally submit that Claims 15 and 28 are in condition for allowance.

**iii. Dependent Claims 2-3, 5-7, 9, 11-14, 17-20, 22-23, 26, and 29-31 are Patentable over Muthuswamy and Kagay**

Because each of the dependent claims 2-3, 5-7, 9, 11-14, 17-20, 22-23, 26, and 29-31 includes each of the recitations of a respective one of independent base claims 1, 15, 24, or 28, Appellants further submit that the rejection of the dependent claims should be reversed for at least those reasons set forth above.

**B. Claims 4 and 16 are Patentable over Muthuswamy, Kagay, and Adams**

Claim 4 depends from Claim 1 and therefore includes each of the recitations of Claim 1 by dependency. Similarly, Claim 16 depends from Claim 15 and includes each of the recitations of Claim 15 by dependency. As already stated, the combination of Muthuswamy and Kagay fails to teach or suggest each of the features recited in Claims 1 and 15. Adams, even when taken in combination with Muthuswamy and Kagay, fails to cure the clear deficiencies of Muthuswamy and Kagay. As such, appellants respectfully submit that the rejection of Claims 4 and 16 should be reversed for at least those reasons discussed with respect to Claims 1 and 15.

**C. Claims 8, 21, and 25 are Patentable over Muthuswamy, Kagay, and Hayatake**

Claim 8 depends from Claim 1 and therefore includes each of the recitations of Claim 1 by dependency. Similarly, Claim 21 depends from Claim 15 and includes each of the recitations of Claim 15 by dependency. Likewise, Claim 25 depends from Claim 24 and includes each of the recitations of Claim 24 by dependency. As already stated, the combination of Muthuswamy and Kagay fails to teach or suggest each of the features recited in Claims 1, 15, and 24. Hayatake, even when taken in combination with Muthuswamy and Kagay, fails to cure the clear deficiencies of Muthuswamy and Kagay. As such, appellants respectfully submit that the rejection of Claims 8, 21, and 25 should be reversed for at least those reasons discussed with respect to Claims 1, 15, and 24.

8. *Claims Appendix.*

The claims currently on appeal are as follows:

1. (Previously Presented) An apparatus comprising at least one processor and at least one memory storing computer program code, wherein the at least one memory and stored computer program code are configured, with the at least one processor, to cause the apparatus to at least:
  - receive a remotely originated request to disable the apparatus;
  - extract information from the request;
  - disable at least one functionality of the apparatus based at least in part on the extracted information; and
  - in an instance in which the extracted information indicates a tracking function is to be activated to facilitate locating the apparatus:
    - determine a tracking function to activate based at least in part on the extracted information, the tracking function being selected based at least in part on one or more of a time that has passed since the apparatus was lost or stolen or a location in which the apparatus was lost or stolen; and
    - activate the determined tracking function.
2. (Previously Presented) The apparatus of claim 1, wherein the at least one memory and stored computer program code are configured, with the at least one processor, to cause the apparatus to activate a pre-programmed security feature in response to the request.
3. (Previously Presented) The apparatus of claim 2, wherein the security feature erases data stored in memory of the apparatus.

4. (Previously Presented) The apparatus of claim 1, wherein the request is transmitted via a phone call and wherein the at least one memory and stored computer program code are configured, with the at least one processor, to cause the apparatus to verify the request based at least in part on a caller identification.
5. (Previously Presented) The apparatus of claim 1, wherein the request to disable the apparatus is made by placing a wireless phone call that invokes the request.
6. (Previously Presented) The apparatus of claim 1, wherein the request is received via a wireless network operating in accordance with one of an IS2000, a CDMA, a TCDMA, a WCDMA, a TDMA, a FDMA, a GSM, a PCS, a Bluetooth, a Wi-Fi, a Cellular or a GPS protocol.
7. (Previously Presented) The apparatus of claim 1, wherein the request is broadcast to the apparatus via one of a one-time transmission, a periodic transmission or a continuous transmission.
8. (Previously Presented) The apparatus of claim 1, wherein the at least one memory and stored computer program code are configured, with the at least one processor, to further cause the apparatus to cause transmission of a return signal to verify the least one functionality of the apparatus has been disabled.

9. (Previously Presented) The apparatus of claim 1, wherein the at least one memory and stored computer program code are configured, with the at least one processor, to cause the apparatus to disable at least one functionality of the apparatus by invoking one or more of a keypad lock, a voice lock, a screen blank-out, limiting access to memory of the apparatus, or a deletion of memory of the apparatus.

10. (Canceled).

11. (Previously Presented) The apparatus of claim 1, wherein the determined tracking function employs one or more of a global positioning system, a homing beacon and an audio alarm.

12. (Previously Presented) The apparatus of claim 1, wherein the request further invokes remote storage of the data stored within the mobile device's memory.

13. (Previously Presented) The apparatus of claim 1, wherein the request is received over a wireless network and is originated in response to a signal outside of the wireless network.

14. (Previously Presented) The apparatus of claim 1, wherein the apparatus comprises or is embodied on one of a laptop computer, a handheld computer, a notebook computer, a personal digital assistant, a mobile phone or a desktop computer.

15. (Previously Presented) A method comprising:

receiving a request to disable at least one functionality of a mobile device;

determining a tracking function to activate on the mobile device, the tracking function being selected based at least in part on one or more of a time that has passed since the mobile device was lost or stolen or a location in which the mobile device was lost or stolen; and

causing a disable signal to be broadcast to the mobile device, the disable signal comprising information configured to cause the mobile device to disable at least one functionality and activate the determined tracking function responsive to the disable signal.

16. (Previously Presented) The method of claim 15, further comprising authenticating the request with a mobile device owner.

17. (Previously Presented) The method of claim 15, further comprising locating the mobile device using the tracking function after the tracking function has been activated by the mobile device responsive to the disable signal.

18. (Previously Presented) The method of claim 15, wherein the disable signal is broadcast via at least one of an IS2000, a CDMA, a TCDMA, a WCDMA, a TDMA, a FDMA, a GSM, a PCS, a Bluetooth, a Wi-Fi, a Cellular, and a GPS protocol.

19. (Previously Presented) The method of claim 15, wherein the disable signal comprises information configured to cause the mobile device to disable at least one functionality via at least one of the mobile device's internal security features.

20. (Previously Presented) The method of claim 15, wherein the mobile device's internal security features comprise one or more of blanking a screen, locking a keypad, locking a microphone, disabling access to mobile device memory, or deleting mobile device memory.

21. (Previously Presented) The method of claim 15, wherein the request to disable at least one functionality of the device is transmitted in response to an unauthorized use of the mobile device.

22. (Previously Presented) The method of claim 15, wherein the mobile device comprises one of a laptop computer, a handheld computer, a notebook computer, a personal digital assistant, a mobile phone, or a desktop computer.

23. (Previously Presented) The method of claim 15, wherein the disable signal is sent via a third-party network.

24. (Previously Presented) A method comprising:

- receiving, at a mobile device, a disable signal from a remote location;
- extracting information from the disable signal;
- disabling at least one functionality of the mobile device based at least in part on the extracted information; and

in an instance in which the extracted information indicates a tracking function is to be activated to facilitate locating the mobile device:

determining a tracking function to activate based at least in part on the extracted information, the tracking function being selected based at least in part on one or more of a time that has passed since the apparatus was lost or stolen or a location in which the apparatus was lost or stolen; and  
activating the determined tracking function.

25. (Previously Presented) The method of claim 24, further comprising causing transmission of a return signal that indicates the at least one functionality of the device has been disabled.

26. (Previously Presented) The method of claim 24, wherein the signal is embedded in a signaling protocol of a wireless network.

27. (Canceled).

28. (Previously Presented) An apparatus comprising at least one processor and at least one memory storing computer program code, wherein the at least one memory and stored computer program code are configured, with the at least one processor, to cause the apparatus to at least:

receive a request to disable at least one functionality of a mobile device;

determine a tracking function to activate on the mobile device, the tracking function being selected based at least in part on one or more of a time that has passed since the mobile device was lost or stolen or a location in which the mobile device was lost or stolen; and

cause a disable signal to be broadcast to the mobile device, the disable signal comprising information configured to cause the mobile device to disable at least one functionality and activate the determined tracking function responsive to the disable signal.



29. (Previously Presented) The apparatus of claim 28, wherein the at least one memory and stored computer program code are configured, with the at least one processor, to cause the apparatus to locate the mobile device by using the tracking function after the tracking function has been activated by the mobile device responsive to the disable signal.

30. (Previously Presented) The method of claim 15, wherein determining a tracking function comprises using a processor to determine the tracking function.

31. (Previously Presented) The method of claim 24, wherein extracting information from the disable signal comprises using a processor to extract information from the disable signal.

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9. *Evidence Appendix.*

None.

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10.     ***Related Proceedings Appendix.***

None.

**CONCLUSION**

For at least the foregoing reasons, Appellant respectfully requests that the rejections be reversed.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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